ACCEPTED
03-15-00620-CR
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THIRD COURT OF APPEALS
AUSTIN, TEXAS
9/13/2016 3:00:23 PM
JEFFREY D. KYLE
CLERK

NO. 03-15-00620-CR

IN THE

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

AUSTIN, TEXAS

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
9/13/2016 3:00:23 PM
JEFFREY D. KYLE
Clerk

STATE OF TEXAS	§	APPELLANT
VS.	§	
DENNIS DAVIS	§	APPELLEE

APPEAL FROM THE 167TH JUDICIAL DISTRICT COURT

TRAVIS COUNTY, TEXAS

CAUSE NO. D1-DC-09-900185

STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE A REPLY BRIEF

TO THE HONORABLE COURT OF APPEALS:

The State of Texas respectfully moves for an extension of the deadline for filing the State's brief and, in accordance with Texas Rules of Appellate Procedure 38.6 and 10.5(b), advises the Court as follows:

(a) The Trial Court filed an Order dismissing the indictment in this case on September 9, 2015. The State of Texas filed a notice of appeal in the above cause on October 1, 2015. The clerk's record was filed on October 12, 2015. The reporter's

record was filed on November 10, 2015. The State's brief was filed on February 8, 2016. The Appellee's brief was marked filed by this Court on August 24, 2016.

(b) The State's reply brief is currently due on **September 13, 2016**.

(c) This request is that the deadline for filing the State's reply brief be extended by **30 days**.

(d) The number of previous extensions of time granted for submission of the **State's** reply brief is: **none**.

(e) The State relies upon the following facts to reasonably explain the need for an extension of the deadline:

1. The undersigned is no longer assigned to the Appellate Division of the Travis County District Attorney's Office. She moved to a position in the Grand Jury Division in January of 2016 and is tasked with a full complement of new responsibilities in her current position. Any further work on in the instant case by the undersigned will have to be added to her ongoing responsibilities. Given this circumstance, the undersigned respectfully requests that the Court grant her additional time to complete her assessment of whether a reply brief would be helpful to the Court in the instant case and, in the event that said assessment is answered in the affirmative, to then generate said brief.

2. This request is not made for the purpose of delay, but to ensure that the Court has a proper State's reply brief to aid in the just disposition of the above cause.

WHEREFORE, the State of Texas respectfully requests that the deadline for filing the State's reply brief be extended to **October 13, 2016.**

Respectfully submitted,

ROSEMARY LEHMBERG
District Attorney
Travis County, Texas

/s/ Kathryn A. Scales
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CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i), I hereby certify, based upon the computer program used to generate this motion, that this motion contains 354 words, excluding words contained in those parts of the motion that Rule 9.4(i) exempts from inclusion in the word count. I certify, further, that this motion is printed in a conventional, 14-point typeface.

/s/ Kathryn A. Scales
Kathryn A. Scales
Assistant District Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the 13th day of September, 2016, a true and correct copy of this motion was served, by U.S. mail, electronic mail, facsimile, or electronically through the electronic filing manager, to the Appellee's attorney, Linda Icenhauer-Ramirez, Attorney at Law, 1103 Nueces, Austin, Texas 78701, ljir@aol.com.

/s/ Kathryn A. Scales
Kathryn A. Scales
Assistant District Attorney